

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTHONY LYNCH-BEY,

Plaintiff,

v.

PATRICIA CARUSO, et al,

Defendant.

CIVIL ACTION NO. 05 CV 72378 DT

DISTRICT JUDGE NANCY G. EDMUNDS

MAGISTRATE JUDGE VIRGINIA MORGAN

ORDER GRANTING MOTION TO COMPEL SERVICE

This matter is before the court on Plaintiff's Motion to Compel Service Pursuant to Rule 5, filed May 11, 2006 (D/E 21). Plaintiff indicates that he has not received a copy of Defendants' Motion for Dismissal or Summary Judgment, filed May 1, 2006 (D/E 17). The court has considered the motion and orders as follow:

IT IS ORDERED that Plaintiff's motion to compel service IS GRANTED. The court makes no determination as to whether Defendants served the motion, but accepts Plaintiff's statement of non-receipt. Defendants are to serve or re-serve on Plaintiff their Motion for Dismissal or Summary Judgment on or before May 31, 2006 and file a proof of service. Plaintiff will have until July 7, 2006 to file a response to defendants' motion.

s/Virginia M. Morgan

VIRGINIA M. MORGAN

UNITED STATES MAGISTRATE JUDGE

Dated: May 16, 2006

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PROOF OF SERVICE

The undersigned certifies that the foregoing *order* was served upon counsel of record and Anthony Lynch-Bey via the Court's ECF System and/or U. S. Mail on May 16, 2006.

s/J Hernandez
Case Manager to
Magistrate Judge Virginia M. Morgan